

July 20, 2012

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
July 20, 2012

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:03 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman (by telephone); Anita M. Cummings, Ares G. Dalianis, Garrett P. FitzGerald, and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Roneta Taylor (by telephone), Mike Quinlan (by telephone), and Mark Magill (by telephone), Illinois Department of Central Management Services; Sara Han (by telephone) and Jane Cullen (by telephone), Illinois Department on Aging; Scott Viniard (by telephone) Heidi Guernsey (by telephone), and Caronina Grimble, Illinois Department of Human Services; and Beth Duesterhaus (by telephone), Anne Archer (by telephone), and Connie Westfall (by telephone), Administrative & Regulatory Shared Services Center.

III. MOTION TO ALLOW PARTICIPATION AT MEETING BY AUDIO CONFERENCE

Executive Director Daniel Stralka advised that he had been notified in advance that Chairman Kolker was prevented from physically attending the July 20, 2012 meeting at the Commission's Chicago office due to employment purposes and wished to attend by audio conference.

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO ALLOW CHAIRMAN KOLKER TO ATTEND THE MEETING BY AUDIO CONFERENCE.**

IV. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD ON JUNE 15, 2012

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON JUNE 15, 2012.**

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions from Illinois Dept. of Central Management Services**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	132.....	11
Agriculture .....	343.....	16
Arts Council .....	18.....	2
Capitol Development Board.....	43.....	0
Central Management Services.....	1,556.....	113
Children and Family Services .....	2,842.....	50
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	393.....	68
Commerce Commission.....	73.....	0
Corrections.....	11,164.....	105
Criminal Justice Authority .....	60.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	7.....	1
Emergency Management Agency.....	89.....	6
Employment Security .....	1,796.....	27
Environmental Protection Agency.....	839.....	16
Financial & Professional Regulation.....	456.....	42
Gaming Board .....	129.....	5
Guardianship and Advocacy .....	101.....	7
Healthcare and Family Services .....	2,050.....	25
Historic Preservation Agency.....	169.....	11
Human Rights Commission.....	14.....	2
Human Rights Department.....	140.....	8
Human Services .....	12,437.....	76
Illinois Sentencing Policy Advisory Council.....	2.....	2
Illinois Torture Inquiry Relief Commission .....	2.....	1
Insurance .....	247.....	13
Investment Board .....	2.....	1
Juvenile Justice.....	1,219.....	21
Labor.....	92.....	9
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd. ....	17.....	2
Lottery.....	151.....	7
Military Affairs .....	122.....	3
Natural Resources .....	1,095.....	28
Pollution Control Board .....	21.....	1
Prisoner Review Board.....	20.....	0
Property Tax Appeal Board.....	28.....	1
Public Health.....	1,061.....	41
Racing Board.....	2.....	1
Revenue.....	1,627.....	51
State Fire Marshal .....	128.....	12
State Police.....	1,173.....	6
State Police Merit Board .....	5.....	1
State Retirement Systems.....	95.....	2
Transportation .....	2,260.....	0
Veterans' Affairs.....	1,254.....	9
Workers' Compensation Commission.....	133.....	8
<b>TOTALS .....</b>	<b>45,646.....</b>	<b>821</b>

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

\* \* \*

**C. Requests for 4d(3) Exemption**

Executive Director Daniel Stralka reported:

- As to Items C1-C3, these are three requests from the Department on Aging. Staff had several inquiries which it sent to the agency with a Monday deadline for a response. The agency did not respond until this morning which gave Staff an inadequate amount of time to review the responses and to provide the information contained therein to the Commissioners for their consideration. Therefore, it was the Staff recommendation to continue or deny Items C1 and C2. As to C3, this is the agency Division Manager of Information Technology, equivalent to a Chief Information Officer position, a position that reports to the Chief of Staff who reports to the Director. The only Staff inquiry was about the position's collective bargaining unit status which the agency has indicated is not an issue with this position. As this position is responsible for all aspects of the information technology programs at the agency and the Commission has historically approved such requests, Staff recommended approval of this request. Chairman Kolker inquired of the agency representative if a continuance of Items C1 and C2 was agreeable and she responded affirmatively.
- As to Item D, this request is for the Division Manager of the Main Street Program at the Department of Commerce and Economic Opportunity, a position that reports to the Deputy Director of the Office of Regional Development who reports to the Director. This position has principal programmatic responsibility for the Main Street Program which is a legislatively mandated program to provide assistance to municipalities undertaking a downtown or neighborhood commercial district revitalization initiative. Staff had no objection to this request and recommended its approval, but expressed an ongoing concern with the number of vacant 4d(3) exempt positions at the agency. Of 68 such positions, 21 or 31% are vacant, five of which have been vacant in excess of two years. The agency responded that there are eparas pending on 17 of these vacancies at various stages, including two that have been recently approved for appointment. The agency indicated that it hopes to have a plan in place by October 1 to reflect which of these vacant positions would be filled, and any that it cannot afford to fill or are no longer needed would be considered for abolishment.
- As to Item E, this is a request from the Department of Human Services which Staff had several inquiries of. The agency responded to these inquiries, but Staff was unaware of the response until just prior to the meeting and therefore had no opportunity to review it prior to the meeting. Chairman Kolker inquired of the agency representative if a continuance of this request was agreeable and he responded affirmatively.
- As to Item F, This request is for the Senior Health Insurance Program Director at the Department of Insurance, a position that reports to the Deputy Director of Consumer Education who reports to the Chief Deputy Director who reports to the Agency Director which makes this position three levels removed from the

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Director. The Department of Insurance Law mandates the agency to operate a program to provide assistance and information to senior citizens in relation to insurance matters including Medicare. This position has principal responsibility for that program. Considering this express statutory mandate and despite the organizational distance from the Director, Staff recommended approval of this request.

**IT WAS MOVED BY COMMISSIONER FITZGERALD, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**C3: Division Manager, Information Technology (Aging)**

**F: Senior Health Insurance Program (SHIP) Director (Insurance)**

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND THE MOTION ADOPTED 4-0 WITH COMMISSIONER CUMMINGS ABSTAINING, TO GRANT THE REQUEST FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITION:**

**D: Main Street Program Division Manager (DCEO)**

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**C1: Senior Policy Advisor (Aging)**

**C2: Deputy Division Manager (Aging)**

**E: Manager, Latino Worker Safety & Immigration Policy (DHS)**

**The following 4d(3) exemption requests were granted on July 20, 2012:**

**C3. Illinois Department on Aging**

Position Number	40070-47-50-300-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Technology
Functional Title	Division Manager, Information Technology
Incumbent	Vacant
Supervisor	Chief of Staff, who reports to the Director
Location	Sangamon County

**D. Illinois Dept. of Commerce & Economic Opportunity**

Position Number	40070-42-10-025-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office / Regional Economic Development
Functional Title	Main Street Program Division Manager
Incumbent	Vacant
Supervisor	Deputy Director of Regional Economic Development who reports to the Director
Location	Sangamon County

**F. Illinois Department of Insurance**

Position Number	40070-14-14-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Consumer Education
Functional Title	Senior Health Insurance Program (SHIP) Director
Incumbent	Vacant
Supervisor	Deputy Director of Consumer Education who reports to Chief Deputy Director, who in turn reports to the Director
Location	Sangamon County

**The following 4d(3) exemption requests were continued on July 20, 2012:**

**C1. Illinois Department on Aging**

Position Number	40070-47-00-000-10-01
Position Title	Senior Public Service Administrator
Bureau/Division	Executive
Functional Title	Senior Policy Advisor
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Cook County

**C2. Illinois Department on Aging**

Position Number	40070-47-30-000-00-02
Position Title	Senior Public Service Administrator
Bureau/Division	Home and Community Services
Functional Title	Deputy Division Manager
Incumbent	Vacant
Supervisor	Division Manager, who reports to the Deputy Director, who in turn reports to the Director
Location	Sangamon County

**E. Illinois Department of Human Services**

Position Number	40070-10-12-200-00-29
Position Title	Senior Public Service Administrator
Bureau/Division	Assistant Secretary's Office
Functional Title	Manager, Latino Worker Safety & Immigration Policy
Incumbent	Vacant
Supervisor	Assistant Secretary who reports to the Secretary
Location	Cook County

VI. CLASS SPECIFICATIONS

- None submitted.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

VII. MOTION TO CLOSE A PORTION OF THE MEETING

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), 2(c)(5), AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>KOLKER</b>	<b>YES</b>	<b>CUMMINGS</b>	<b>YES</b>
<b>DALIANIS</b>	<b>YES</b>	<b>FITZGERALD</b>	<b>YES</b>
<b>KREY</b>	<b>YES</b>		

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VIII. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:25 a.m.

PRESENT

Chris Kolker, Chairman (by telephone); Anita M. Cummings, Ares G. Dalianis, Garrett P. FitzGerald, and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); and Will Arthur, Intern (by telephone).

IX. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Illinois Department of Central Management Services' Consecutive Non-Merit Report.

Agency	5/31/12	<b>6/30/12</b>	6/30/11
Aging	1	<b>1</b>	1
Arts Council	1	<b>1</b>	0
Central Management Services	0	<b>0</b>	1
Children and Family Services	4	<b>8</b>	0
Employment Security	0	<b>1</b>	21
Healthcare and Family Services	3	<b>3</b>	5
Human Rights	1	<b>1</b>	0
Human Services	1	<b>2</b>	13
Natural Resources	3	<b>1</b>	5
Property Tax Appeal Board	0	<b>0</b>	6
State Fire Marshal	0	<b>0</b>	1
Transportation	0	<b>0</b>	1
Veterans' Affairs	0	<b>0</b>	2
Totals	14	<b>18</b>	56

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X. INTERLOCUTORY APPEAL

**GT-49-12**

Employee	Zelleria Dennis	Appeal Date	03/22/12
Agency	Human Services	Order Date	06/29/12
Type	Geographical Transfer	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss (relocation was not a geographical transfer pursuant to Personnel Rules)	Proposal for Decision	Grant the Motion to Dismiss.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO GRANT THE MOTION TO DISMISS FOR THE REASONS SET FORTH IN THE ORDER DATED JUNE 29, 2012.**

<b>KOLKER</b>	<b>YES</b>	<b>CUMMINGS</b>	<b>YES</b>
<b>DALIANIS</b>	<b>YES</b>	<b>FITZGERALD</b>	<b>YES</b>
<b>KREY</b>	<b>YES</b>		

XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

**D-53-12**

Employee	Bernadine Jefferson	Appeal Date	5/21/12
Agency	Revenue	Decision Date	6/08/12
Type	Demotion	Proposal for Decision	Dismissed subject to approval of Commission; withdrawn.

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO DISMISS THE APPEAL AS THE EMPLOYEE WITHDREW IT ON JUNE 7, 2012.**

<b>KOLKER</b>	<b>YES</b>	<b>CUMMINGS</b>	<b>YES</b>
<b>DALIANIS</b>	<b>YES</b>	<b>FITZGERALD</b>	<b>YES</b>
<b>KREY</b>	<b>YES</b>		

XII. PARTICIPATION IN STATE OF ILLINOIS FEDERAL SURPLUS PROPERTY PROGRAM

Executive Director Daniel Stralka explained to the Commissioners how the State of Illinois Federal Surplus Property Program offers a variety of surplus property to State agencies at 5% to 25% of the acquisition value which reduces the Commission's expenditures. Such property must be used for the Commission's program; be placed into service within one year of acquisition; used for 12-18 months; not further transferred without the consent of the State of Illinois; and personal use is not allowed.

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 THAT THE EXECUTIVE DIRECTOR BE AUTHORIZED TO PARTICIPATE IN THE STATE OF ILLINOIS FEDERAL SURPLUS PROPERTY PROGRAM FOR THE BENEFIT OF THE CIVIL SERVICE COMMISSION.**

XIII. STAFF REPORT

Executive Director Daniel Stralka reported:

- Central Management Services selected a property at Seventh and Washington for the relocation of the Commission's Springfield office. After he and Brian Collins visited the property, he noted that the dimensions on the drawings furnished to the Commission, which indicated there was 2233 square feet of space, were inaccurate as to physical measurements. Executive Director Stralka and Brian Collins took measurements that reflected smaller dimensions in all the rooms. Having reviewed the Commission's current needs and concluding this location was inadequate, this was relayed to Central Management Services. Central Management Services subsequently indicated it will continue the search for suitable property.
- He had obtained a copy of a proposal from the State of Illinois made at union negotiations which addresses the issue of Section 4d(3) exempt positions being placed in collective bargaining units. This information was shared with Chairman Kolker and both had concerns that it would be insufficient to resolve this outstanding issue. Additional discussion ensued in which all Commissioners participated.
- He will be making a presentation to the Illinois Department of Children and Family Services Office of Inspector General's office on July 26, 2012 addressing steps they can take to add credibility to their investigations.

Assistant Executive Director Andrew Barris reported:

- Will Arthur began his unpaid internship at the Civil Service Commission. Will is a second year student at the University of Illinois Law School and has provided valuable assistance in the ongoing record retention project with the Commission. In

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addition to record retention, Will has attended hearings, performed legal research, and participated in the state ethics training.

- The deadline for completion of the Open Meetings Act training is December 31, 2012.

XIV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, August 17, 2012 at 11:00 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:45 A.M.**